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104TH CONGRESS
1ST SESSION

H. R. 1816

To authorize appropriations for civilian research, development, demonstration, and commercial application activities of the Department of Energy for fiscal year 1996, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 1995

Mr. ROHRABACHER (for himself and Mr. HAYES) introduced the following bill; which was referred to the Committee on Science

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A BILL

To authorize appropriations for civilian research, development, demonstration, and commercial application activities of the Department of Energy for fiscal year 1996, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Energy Civilian Research and Development Act of 1995''.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term ''Department'' means the Department of Energy;

(2) the term ''major construction project'' means a civilian research, development, demonstration, or commercial application project whose construction costs are estimated to exceed $100,000,000 over the life of the project;

(3) the term ''Secretary'' means the Secretary of Energy;

(4) the term ''substantial construction project'' means a civilian research, development, demonstration, or commercial application project whose construction costs are estimated to exceed $10,000,000, but not to exceed $100,000,000, over the life of the project; and

(5) the term ''substantial equipment acquisition'' means the acquisition of civilian research, development, demonstration, or commercial application equipment at a cost estimated to exceed $10,000,000 for the entire acquisition.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) ENERGY SUPPLY RESEARCH AND DEVELOPMENT ACTIVITIES.—There are authorized to be appropriated to the Secretary for fiscal year 1996 for Energy Supply Re-

search and Development operating, capital equipment, and construction the following amounts:

(1) Solar and Renewable Energy, $203,641,000, of which—

(A) $203,521,000 shall be for operating and capital equipment; and

(B) $120,000 shall be for construction of Project GP–C–002, General Plant Projects, National Renewable Energy Laboratory.

(2) Nuclear Energy, $234,541,000, of which—

(A) $231,841,000 shall be for operating and capital equipment, including, subject to section 4(b), $25,000,000 for the Gas Turbine-Modular Helium Reactor, and, subject to section 4(d), $14,000,000 for the AP600 light water reactor;

(B) $1,000,000 shall be for construction of Project GPN–102, General Plant Projects, Argonne National Laboratory-West, Idaho; and

(C) $1,700,000 shall be for completion of construction of Project 95–E–207, Modifications to Reactors, Experimental Breeder Reactor-II, Sodium Processing Facility, Argonne National Laboratory-West, Idaho.

(3) Environment, Safety, and Health, $127,291,000 for operating and capital equipment.

(4) Biological and Environmental Research, $358,136,000, of which—

(A) $302,041,000 shall be for operating and capital equipment;

(B) $3,500,000 shall be for construction of Project GPE–120, General Plant Projects, Various Locations;

(C) $5,700,000 shall be for construction of Project 94–E–339, Human Genome Laboratory, Lawrence Berkeley Laboratory;

(D) $4,295,000 shall be for completion of construction of Project 94–E–338, Structural Biology Facility, Argonne National Laboratory;

(E) $2,600,000 shall be for completion of construction of Project 94–E–337, ALS Structural Biology Support Facilities, Lawrence Berkeley Laboratory; and

(F) $40,000,000 shall be for construction of Project 91–EM–100, Environmental Molecular Sciences Laboratory, Pacific Northwest Laboratory.

(5) Fusion Energy, $229,144,000, of which—

(A) $214,201,000 shall be for operating and capital equipment for Magnetic Fusion Energy;

(B) $4,800,000 shall be for operating and capital equipment for Inertial Fusion Energy;

(C) $5,943,000 shall be for Program Direction operating;

(D) $1,000,000 shall be for construction of Project GPE–900, General Plant Projects, Various Locations; and

(E) $3,200,000 shall be for construction of Project 96–E–310, Elise Project, Lawrence Berkeley Laboratory.

(6) Basic Energy Sciences, $765,852,000, of which—

(A) $743,283,000 shall be for operating and capital equipment, including $60,000,000 for the Scientific Facilities Initiative;

(B) $4,500,000 shall be for construction of Project GPE–400, General Plant Projects, Various Locations;

(C) $12,883,000 shall be for construction of Project 96–E–305, Accelerator and Reactor Improvements and Modifications;

(D) $3,186,000 shall be for completion of construction of Project 89–R–402, 6–7 GeV Synchrotron Radiation Source, Argonne National Laboratory; and

(E) $2,000,000 shall be for construction of Project 87–R–405, Combustion Research Facility, Phase II, Sandia National Laboratories-Livermore.

(7) Multiprogram Energy Laboratories—Facilities Support—

(A) $15,539,000 shall be for operating and capital equipment;

(B) $8,740,000 shall be for construction of Project GPE–801, General Plant Projects, Various Locations;

(C) $2,740,000 shall be for construction of Project 95–E–310, Multiprogram Laboratory Rehabilitation, Phase 1, Pacific Northwest Laboratory;

(D) $1,500,000 shall be for construction of Project 95–E–303, Electrical Safety Rehabilitation, Pacific Northwest Laboratory;

(E) $3,270,000 shall be for completion of construction of Project 95–E–302, Applied

Science Center, Phase 1, Brookhaven National Laboratory;

(F) $2,500,000 shall be for construction of Project 95–E–301, Central Heating Plant Rehabilitation, Phase 1, Argonne National Laboratory;

(G) $2,038,000 shall be for construction of Project 94–E–363, Roofing Improvements, Oak Ridge National Laboratory;

(H) $440,000 shall be for completion of construction of Project 94–E–351, Fuel Storage and Transfer Facility Upgrade, Brookhaven National Laboratory;

(I) $800,000 shall be for construction of Project 96–E–332, Building 801 Renovations, Brookhaven National Laboratory;

(J) $2,400,000 shall be for completion of construction of Project 96–E–331, Sanitary Sewer Restoration, Phase I, Lawrence Berkeley Laboratory;

(K) $1,200,000 shall be for construction of Project 96–E–330, Building Electrical Service Upgrade, Phase I, Argonne National Laboratory;

(L) $2,480,000 shall be for construction of Project 95–E–309, Loss Prevention Upgrade-Electrical Substations, Brookhaven National Laboratory;

(M) $1,540,000 shall be for construction of Project 95–E–308, Sanitary System Modifications, Phase II, Brookhaven National Laboratory;

(N) $1,000,000 shall be for construction of Project 95–E–307, Fire Safety Improvements, Phase III, Argonne National Laboratory;

(O) $1,288,000 shall be for completion of construction of Project 93–E–324, Hazardous Materials Safeguards, Phase I, Lawrence Berkeley Laboratory;

(P) $1,130,000 shall be for completion of construction of Project 93–E–323, Fire and Safety Systems Upgrade, Phase I, Lawrence Berkeley Laboratory; and

(Q) $2,411,000 shall be for construction of Project 93–E–320, Fire and Safety Improvements, Phase II, Argonne National Laboratory.

Notwithstanding subparagraphs (A) through (Q), the total amount authorized under this paragraph shall not exceed $39,327,000.

(8) Advisory and Oversight Program Direction, $5,940,000 for operating.

(9) Technical Information Management Program, $14,394,000, of which—

(A) $12,894,000 shall be for operating and capital equipment; and

(B) $1,500,000 shall be for construction of Project 95–A–500, Heating, Venting, and Air Conditioning Retrofits, Oak Ridge.

(10) Environmental Management, $624,323,000, of which—

(A) $607,253,000 shall be for operating and capital equipment;

(B) $339,000 shall be for completion of construction of Project 92–E–601, Melton Valley Liquid Low-Level Waste Collection and Transfer System Upgrade, Oak Ridge National Laboratory;

(C) $4,000,000 shall be for construction of Project 88–R–830, Bethel Valley Liquid Low-Level Waste Collection and Transfer System Upgrade, Oak Ridge National Laboratory;

(D) $2,255,000 shall be for construction of Project GPN–103, Oak Ridge Landlord General Plant Projects;

(E) $730,000 shall be for construction of Project GPN–102, Test Reactor Area Landlord General Plant Projects, Idaho National Engineering Laboratory;

(F) $1,900,000 shall be for construction of Project 95–E–201, Test Reactor Area Landlord Fire and Life Safety Improvements, Idaho National Engineering Laboratory;

(G) $2,040,000 shall be for construction of Project GPE–600, General Plant Projects, Waste Management, Non-Defense, Various Locations;

(H) $300,000 shall be for construction of Project 94–E–602, Bethel Valley Federal Facility Agreement Upgrades, Oak Ridge National Laboratory;

(I) $4,048,000 shall be for construction of Project 93–E–900, Dry Cast Storage, Idaho National Engineering Laboratory;

(J) $787,000 shall be for construction of Project 91–E–602, Rehabilitation of Waste Management Building 306, Argonne National Laboratory; and

(K) $671,000 shall be for completion of construction of Project 88–R–812, Hazardous

Waste Handling Facility, Lawrence Berkeley Laboratory.

(b) GENERAL SCIENCE AND RESEARCH ACTIVITIES.—There are authorized to be appropriated to the Secretary for fiscal year 1996 for General Science and Research Activities operating, capital equipment, and construction the following amounts:

(1) High Energy Physics, $674,137,000, of which—

(A) $548,191,000 shall be for operating and capital equipment, including $15,000,000 for the Scientific Facilities Initiative;

(B) $12,146,000 shall be for construction of Project GPE–103, General Plant Projects, Various Locations;

(C) $9,800,000 shall be for construction of Project 96–G–301, Accelerator Improvements and Modifications, Various Locations;

(D) $52,000,000 shall be for construction of Project 94–G–305, B-Factory, Stanford Linear Accelerator Center; and

(E) $52,000,000 shall be for construction of Project 92–G–302, Fermilab Main Injector, Fermi National Accelerator Center.

(2) Nuclear Physics, $290,110,000, of which—

(A) $213,010,000 shall be for operating and capital equipment, including $25,000,000 for the Scientific Facilities Initiative;

(B) $3,900,000 shall be for construction of Project GPE–300, General Plant Projects, Various Locations;

(C) $3,200,000 shall be for construction of Project 96–G–302, Accelerator Improvements and Modifications, Various Locations; and

(D) $70,000,000 shall be for construction of Project 91–G–300, Relativistic Heavy Ion Collider, Brookhaven National Laboratory.

(3) Program Direction, $8,430,000.

(c) FOSSIL ENERGY RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the Secretary for fiscal year 1996 for Fossil Energy Research and Development operating, capital equipment, and construction the following amounts:

(1) Coal, $49,955,000 for operating.

(2) Oil Technology, $41,234,000 for operating, including maintaining programs at the National Institute for Petroleum and Energy Research.

(3) Gas, $57,829,000 for operating.

(4) Program Direction and Management Support, $32,192,000 for operating.

(5) Capital Equipment, $476,000.

(6) Construction of Project GPF–100, General Plant Projects for Energy Technology Centers, $1,994,000.

(7) Cooperative Research and Development, $7,557,000.

(8) Fossil Energy Environmental Restoration, $12,370,000.

(d) ENERGY CONSERVATION RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the Secretary for fiscal year 1996 for Energy Conservation Research and Development operating and capital equipment the following amounts:

(1) Buildings Sector, $40,107,000.

(2) Industry Sector, $51,116,000.

(3) Transportation Sector, $106,731,000.

(4) Technical and Financial Assistance (Non-Grants), $7,813,000.

SEC. 4. FUNDING LIMITATIONS.

(a) FISCAL YEAR 1996 APPROPRIATIONS.—None of the funds authorized by this Act may be used for the following programs, projects, and activities:

(1) Solar Buildings Technology Research.

(2) Solar International Program.

(3) Solar Technology Transfer.

(4) Solar Program Support.

(5) Resource Assessment.

(6) Hydropower.

(7) In-House Energy Management.

(8) Policy and Management—Energy Efficiency and Renewable Energy.

(9) Space Power Reactor Systems.

(10) Nuclear Energy Facilities.

(11) Policy and Management—Nuclear Energy.

(12) Soviet-Designed Reactor Safety.

(13) Russian Replacement Power Initiative.

(14) Advanced Neutron Source.

(15) Energy Research Analysis.

(16) University and Science Education.

(17) Energy Research Laboratory Technology Transfer.

(18) Technology Partnerships.

(19) Policy and Management—Energy Research.

(20) Direct Liquefaction.

(21) Indirect Liquefaction.

(22) Systems for Coproducts.

(23) Technical and Economic Analysis.

(24) International Program Support.

(25) Coal Technology Export.

(26) Gas Delivery and Storage.

(27) Gas Utilization.

(28) Fuel Cells Climate Change Action Plan.

(29) Fuels Conversion, Natural Gas, and Electricity.

(30) Clean Coal Technology Program.

(31) Buildings Sector Codes and Standards.

(32) Buildings Sector Implementation and Deployment.

(33) Industry Sector Municipal Solid Wastes.

(34) Industry Sector Implementation and Deployment.

(35) Alternative Fuels Utilization.

(36) Transportation Sector Implementation and Deployment.

(37) Utility Sector Integrated Resource Planning.

(38) International Market Development.

(39) Inventions and Innovation Program.

(40) Municipal Energy Management.

(41) Information and Communications.

(42) Policy and Management—Energy Conservation.

(b) FISCAL YEAR 1996 OBLIGATION AND EXPENDITURE.—None of the funds authorized by this Act may be

available for obligation for expenditure for the Gas Turbine-Modular Helium Reactor, except for termination of such reactor, until the National Academy of Sciences has conducted a detailed review of the economic and technical issues related to such reactor, and has reported to the Department, the Committee on Science of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate that such reactor warrants funding within the civilian nuclear energy budget of the Department.

(c) PRIOR FISCAL YEAR OBLIGATION AND EXPENDITURE.—No funds may be available for obligation or expenditure with respect to the following:

(1) University of Nebraska Medical Center Transplant Center.

(2) Oregon Health Sciences University.

(3) Conduct of any rulemaking activities relating to Lighting and Appliance Standards and Building Standards and Guidelines, including the promulgation or issuance of notices of proposed rulemakings, proposed rules, or final rules.

(d) LIGHT WATER REACTOR MATCHING FUNDS.—Funds appropriated for the AP600 light water reactor pursuant to section 3(a)(2)(A) shall be available only to the extent that matching private sector funds are provided

for such project, and subject to the condition that such Federal funds shall be repaid to the United States out of royalties on the first commercial sale of such reactor design.

SEC. 5. LIMITATION ON APPROPRIATIONS.

No sums are authorized to be appropriated for any fiscal year after fiscal year 1995 for any civilian research, development, demonstration, or commercial application program, project, or activity of the Department unless such sums are specifically authorized to be appropriated by Act of Congress with respect to such fiscal year.

SEC. 6. MERIT REVIEW REQUIREMENT FOR AWARDS OF FINANCIAL ASSISTANCE.

(a) MERIT REVIEW REQUIREMENT.—The Secretary may not award financial assistance to any person for civilian research, development, demonstration, or commercial application activities, including related facility construction, unless an objective merit review process is used to award the financial assistance.

(b) REQUIREMENT OF SPECIFIC MODIFICATION OF MERIT REVIEW PROVISION.—

(1) IN GENERAL.—A provision of law may not be construed as modifying or superseding subsection (a), or as requiring that financial assistance be

awarded by the Secretary in a manner inconsistent with subsection (a), unless such provision of law—

(A) specifically refers to this section;

(B) specifically states that such provision of law modifies or supersedes subsection (a); and

(C) specifically identifies the person to be awarded the financial assistance and states that the financial assistance to be awarded pursuant to such provision of law is being awarded in a manner inconsistent with subsection (a).

(2) NOTICE AND WAIT REQUIREMENT.—No financial assistance may be awarded pursuant to a provision of law that requires or authorizes the award of the financial assistance in a manner inconsistent with subsection (a) until—

(A) the Secretary submits to the Congress a written notice of the Secretary's intent to award the financial assistance; and

(B) 180 days has elapsed after the date on which the notice is received by the Congress.

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''objective merit review process'' means a thorough, consistent, and independent examination of requests for financial assistance based

on preestablished criteria and scientific and technical merit by persons knowledgeable in the field for which the financial assistance is requested.

(2) The term ''financial assistance'' means the transfer of funds or property to a recipient or subrecipient to accomplish a public purpose of support or stimulation authorized by Federal law. Such term includes grants, cooperative agreements, and subawards but does not include cooperative research and development agreements as defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), nor any grant that calls upon the National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine, or the National Academy of Public Administration to investigate, examine, or experiment upon any subject of science or art and to report on such matters to Congress or any agency of the Federal Government.

SEC. 7. POLICY ON CAPITAL PROJECTS AND CONSTRUCTION.

(a) REQUIREMENT OF PRIOR AUTHORIZATION.—(1) No funds are authorized to be appropriated to the Secretary for any substantial construction project, substantial equipment acquisition, or major construction project un-

less a report on such project or acquisition has been provided to Congress in accordance with subsection (b).

(2) The Secretary may not obligate any funds for any substantial construction project, substantial equipment acquisition, or major construction project unless such project or acquisition has been specifically authorized by statute.

(3) This subsection may not be amended or modified except by specific reference to this subsection.

(b) REPORTS TO CONGRESS.—(1) Within 180 days after the date of the enactment of this Act, the Secretary shall submit to the Congress a report that identifies all construction projects and acquisitions of the Department described in subsection (a) for which the preliminary design phase is completed but the construction or acquisition is not completed. Such report shall include—

(A) an estimate of the total cost of completion of the construction project or acquisition, itemized by individual activity and by fiscal year; and

(B) an identification of which construction projects or acquisitions have not been specifically authorized by statute.

The Secretary shall annually update and resubmit the report required by this paragraph, as part of the report required under section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914).

(2) The Secretary shall, after completion of the preliminary design phase of a major construction project, submit to the Congress a report containing—

(A) an estimate of the total cost of construction of the facility;

(B) an estimate of the time required to complete construction;

(C) an estimate of the annual operating costs of the facility;

(D) the intended useful operating life of the facility; and

(E) an identification of any existing facilities to be closed as a result of the operation of the facility.

SEC. 8. FURTHER AUTHORIZATIONS.

Nothing in this Act shall preclude further authorization of appropriations for civilian research, development, demonstration, and commercial application activities of the Department of Energy for fiscal year 1996: *Provided*, That authorization allocations adopted by the Conference Committee on House Concurrent Resolution 67, and approved by Congress, allow for such further authorizations.

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